

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 01-0419 CRB

Plaintiff,

No. C 08-04557 CRB

v.

CERTIFICATE OF APPEALABILITY

JOSE LUIS MEDINA ALVARADO,

Defendant.

Petitioner has appealed this Court's denial of his motion to vacate his federal sentence. The Court must now decide whether to issue a certificate of appealability ("COA"). A court shall grant a COA "if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: the petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

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1 The Court GRANTS a certificate of appealability with respect to petitioner's
2 ineffective assistance of counsel claim.

3 **IT IS SO ORDERED.**

4 Dated: March 12, 2009



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE